# Violence and gender

## Political paradoxes, conceptual shifts[1]

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As if it were a convention, conviction or even *karma*, we believe that Brazilian citizens confront an intricate paradox: our Constitution is one of the most advanced in the world, bringing together different themes, social segments and rights in an undoubtedly progressive way. It also brings together a set of governmental institutions, civil society organizations and social movements. And yet, we continue to live out a persistent social inequality when it comes to access to justice. Thoughts: according to current definitions, the State is not purely a state apparatus, but also and above all a set of social relations that brings order to a given territory. "Such an order is neither egalitarian nor socially impartial; both in capitalism and bureaucratic socialism, it sustains and helps reproduce power relations that are systematically asymmetrical." (O'Donnell 1993:125). The legal system constitutes this order and guarantees that social relations, even asymmetrical ones, can follow a course of mutual acquiescence and compromise. This system is based on laws, which, in the case of contemporary democracies, are debated and approved by Congress, and expressed and resolved by the Judiciary. These two instances provide the wider organizational framework, which presupposes the social effectiveness of the law.

1 This article is a revised and modified version of "Deslocamentos semânticos e hibridismos: sobre os usos da noção de violência contra a mulher", (*Revista Brasileira de Ciências Criminais*, Vol. 48, maio-junho 2004, PP. 246-260)

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Even so, such effectiveness cannot be evaluated by looking only at the formal and restricted content of the law and how it is supposedly applied. As O'Donnell has remarked, "citizenship is not restricted to the limits of the political (strictly defined as they are in the greater part of contemporary literature). Citizenship is at stake, for example, when, after entering a contractual relationship, one party, believing that he or she has a legitimate complaint, may or may not appeal to a legally appropriate public organization seen as just in order that it might judge the question." (Ibid.: 127). Equality before the law has not been achieved anywhere (in Scandinavia a certain ideal is almost reached) but, in certain countries, noticeable social, gender and racial inequalities traverse the entire territory society.

This seems to be the problem that assails us: according to O'Donnell, countries like Brazil suffer from chronic and accentuated inequality because of a deep crisis within the state – "a state defined as a set of bureaucracies that are able to fulfill their obligations with reasonable efficiency; in the effectiveness of the law; and in the plausibility of the affirmation that the organs of the state generally take their decisions according to some notion of the public good" (Ibid. ibidem). This is the paradoxical situation in which the state combines authoritarianism and democracy: while political rights are respected, "the peasants, the slum dwellers, the Indians and women etc. cannot receive fair treatment in the courts, nor have access to public services they have a right to, nor be saved from police violence. (Idem.: 134) This arrangement leads to a kind of reduction in the total exercise of citizenship that has been well described as "contradictory citizenship" (Santos, 1999). There is therefore a need for detailed research on the concrete workings and the systematic relations that constitute the field of public authority, where rights are guaranteed by law yet not entirely realized in practice. Thus, the aim of this text is to discuss the complex web of questions, implications and demands related to minority rights, particularly women's rights, when the notion of violence against women is used.

Over two decades of research into this question, I have been asking myself how best to describe relations of violence within interpersonal relations characterized by power inequalities. Do such relationships belong to the concept of violence against women (this notion was created by the feminist movement in the 1960s), conjugal violence (another notion that specifies violence against women in the context of conjugality), domestic violence (here

one includes violence between other members of the domestic group that began to be discussed in the 1990s and has been incorporated into the "Maria da Penha" [3] law, family violence (this notion is presently used in judicial terminology) or gender violence (a concept used by feminists such as myself who do not wish to be accused of essentialism)? Irony apart, I find myself wondering about the implications of each of these notions, their analytical power as well as the limitations and paradoxes they engender. So part of my concern is to reflect on the semantic shifts that have taken place in the notion of violence against women. In addition, I wish to point to the limits of this notion as well as to its substitution by the concept of gender violence. In regards to this new concept, I ask about its validity and utility.

## Violence against women as expressed in notions used by the actors in political and judicial institutions.

The definition of violence against women developed from an innovative political experience during the 1980s. As well as consciousness-raising among themselves, feminist activists also created organizations such as *SOS-Mulher* (SOS-Women) to work on behalf of women who had suffered violence.[4] The ideas behind these organizations grew from an understanding of the oppression suffered by women under patriarchalism, a term very much present in feminist discussions worldwide. The concept of gender was absent and the female condition was defined according to universalistic premises that supposed that all women share oppression because of their sex, independently of the historical or cultural context. A decade later this interpretation was to suffer critical revision. While it could be said that the 1960s had a definitive effect on the political history of the West and that the changes brought about depended on the intense participation of libertarian movements, among

3 Federal Law 11,340, sanctioned by the President of Brazil on 8/7/2006 and passed on 9/22/2006. It was named the Maria da Penha"Law by sectors of the feminist movement in honor of Maria da Penha, a victim of domestic violence whose case was significantly neglected by the legal authorities. In 2001, the Inter-American Commission on Human Rights condemned the Brazilian government for such disregard. This is the first law in Brazil addressing specifically domestic and familial violence against women.

4 The São Paulo SOS-Mulher was the first such organization to be founded in October 1980 by a number of feminist groups to care for women who were the victims of violence. For three years, the organization attended to the women, referred them to judicial and psychological counseling and organized campaigns to raise awareness of the gravity of the problem. (Pontes 1986; Gregori 1993)

them feminism, the second half of the 1980s and the 1990s saw the introduction of new paradigms that emerged from the academic debate that questioned previous theories.[5]

Even though universalistic and somewhat essentialist, the feminist movement brought to public attention an approach that related conflict and violence between men and women to structures of domination. This interpretation only entered juridical theory and practice with the enactment of the Maria da Penha law in 2006.[6] Although the question of power inequalities implied in gender relations is present in the Constitution and in the principles of this law, it meets enormous resistance in the practices and knowledge that make up the field in which these laws are applied.

Even if we consider the importance of the creation in 1985 of the special police stations for the defense of women (DDMs)[7] we have to remember that the legislation behind them did not mention violence against women. The juridical culture that underpinned the work of the special police stations defined their duties as investigating crimes on the basis of the "principle of legality" according to which there is no crime without a previous law that defines it and that there is no punishment without previous legal determination (Santos, 1999). The police stations operated therefore on the basis of existing laws. Because violence against women (family, domestic or gender) did not exist as a specific legal entity, everything depended on the way in which the police officers interpreted the victims' complaints. The greater number of ethnographic studies of these police stations carried out in the 1980s and 1990s show that, in the absence of a legal definition of the complexity of the dynamics of interpersonal conflicts where the victims are women, the way

5 In the vast bibliography on this topic, some of the more significant interventions that influenced the discussion in Brazil are to be found in Scott (1988), de Lauretis (1997), Butler (1990), and Moore (1994). For a discussion on the impact of this literature on studies in Brazil, see Heilborn and Sorj (1999), Gregori (1999) and Piscitelli (1997).

6 Before this the 2002 law no. 10.455 made it possible for judges to remove agressors from the home in the case of domestic violence as a precautionary measure. In 2004, Law no. 10.886 increased the punishment for bodily harm to a minimum three month jail sentence when the accused was a relative or partner of the victim.

7 The first Police station for the defense of women was created in 1985 on the initiative of the São Paulo State Council for the Feminine Condition and by the then São Paulo State Secretary for Security, Michel Temer. Among studies on these police stations, of particular significance are Blay and Olveira (1986), Brandão (1997), Brocksom (2006), Carrara *et. al*. (2002), Debert and Gregori (2002), Gurgel do Amaral *et. al*. (2001), Machado and Magalhães (1999), Moraes (2006), Muniz (1996), Nelson (1996), Oliveira (2006), Rifiotis (2003), Santos (1999), Soares (1999), Suarez and Bandeira (1999) and Taube (2002).

in which cases were classified depended on chance or the whims of the police officers. The officers tended to restrict the feminist notions of violence against women to ordinary crimes that happened to occur between spouses in domestic situations, excepting, of course, rape or sexual violence committed by outsiders.

Another important point emphasized by the specialist literature on judicial procedures during this period was that all of the information on conjugal conflict was based on the complaints of the victims. Santos (1999) and Brandão (1997) drew attention to this aspect: conjugal violence in which the victim was the woman seems to have become the paradigmatic case for describing violence against women in general and, later, what came to be called gender violence. Those who studied the work of SOS-Mulher based their analyses mainly on the narratives of the clients, i.e. the battered women themselves. The majority of cases were of women of a particular social class who complained about the behavior of their husbands or partners within the home. Paradoxically the object of study was defined on the basis of the womenimmediate demands. Furthermore, cases such as sexual violence in marital relations, sexual discrimination, or even psychological violence had no place in existing institutional arrangements.

Ethnographic research inside police stations showed that the women who sought them out described the conflicts without using the category violence.[8] In the majority of cases, the women referred to "the playfulness" or "the ignorance" of their husbands as excessive and unacceptable, showing no awareness of the effects of their attitudes in bringing about more egalitarian relationships in the future. As I suggested in an earlier study (Gregori 1993), analyses based on the "logic of the complaint", run the risk of merely magnifying the process of victimization, making it all the more difficult for the actors involved to perceive more profound motives behind their conflicts, let alone their positions as citizens with rights.[9]

8 The same was true for the narratives of the women Who sought out the SOS-Mulher. See Gregori (1993).

9 One of the aspectsI drew attention to in my study on SOS-Mulher was the fact that all of the depositions were based on complaints: the kind of narrative that tends to reduce the situations of conflict and abuse which is experienced in the daily life of interpersonal relations marked by gender to a static and polarized opposition between victim and executioner. Less than true investigation, followed by the due punishment of those responsible for the violence in question, these complaints confined the

In 1996, a new law passed in the state of São Paulo (Decree no. 40.693/96) widened the scope of the São Paulo specialized police stations allowing them to investigate crimes against children and adolescents. With the support of the coordination of the police stations and the signature of governor Mario Covas, this law aimed to cover all crimes committed within the family. The basic argument behind the new law was to make the DDMs responsible for family violence (and not just violence against women) and to leave to regular police stations other crimes associated with urban violence. From the point of view of the police, this solution was supposed to correct a possible distortion in the specialized police stations.

Even so, the new law left a few loopholes so far as the eradication of gender violence is concerned. Feminist demands—incorporated by government in the form of specialized police stations—were based on the premise that there is a particular form of violence that springs from the power inequalities that characterize gender relations. It is not a case of ignoring the fact that much of this violence occurs in the context of familial relationships, but it must be emphasized that violence also occurs outside the domestic sphere.

On the other hand, this change also represented an attempt to increase the protection of the family which is quite a long way away from the feminist view on the role of gender asymmetry in family configurations. Organizing ways of eliminating gender violence implies finding new ways of conceiving the family. More than correcting excesses and abuses committed by heads of family—this is what seems to be indicated in the decree in question—to eradicate this type of violence implies questioning power inequalities within the family and making any attitude that affronts the fundamental rights of those involved absolutely inadmissible.

As recent ethnographic studies show (Debert and Gregori 2002; Debert *et. al.* 2006) the tendency of the police stations is to treat family violence as a dysfunction of unstructured families with low educational levels or of rural traditional origin. Brandão (1999), Soares (1999, 2002) and Izumino (2003) suggest that the police stations ended up providing symbolic resources for the women who sought them out to file their complaints to negotiate their family relationships.

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women into a position that could hardly lead to emancipation since it tended to reiterate the position of women as victims. (Gregori 1993: 185-186)

It is therefore important to widen the scope of reflection on what one understands by the eradication of family violence, of violence against women, of domestic violence or even of gender violence. While it is true that negotiating this way implies fighting for what is considered to be their rights, these women may act or operate with notions of rights which are a long way from those based on citizenship. The judiciary, for its part, ends up hostage to the immediate demands of the complainants because it has no clear definition or diagnosis of the complex dynamics of such violence. It is thus unable to develop new parameters and new procedures that might effectively put an end to these crimes.

In 1995 another law (no. 9099), created what were called Special Criminal Courts (*Juizados Especiais Criminais - Jecrins*), which brought about significant change in the judicial system. This law aims to enhance access to justice and to promote a more rapid and effective response.[10] With an emphasis on reconciliation, these courts judge cases of contravention and lesser crimes that carry a maximum penalty of two years prison sentence. The principles of economy and informality mean that there is no need for formal police enquiries. Instead, a description of the facts and a characterization of the parties involved can be sent quite quickly to the court.

The effect of this law on the DDMs was extraordinary, above all because the majority of cases they had dealt with were defined as minor (minor bodily harm and threats) and were now subject to the new courts. In a study of the 1,036 cases brought before the Forum of Itaquera in São Paulo in 2002, we found that 76.6% of the victims were women and that 80% of these were women who had been harmed or threatened by their husbands or partners. More recent studies have drawn attention to this "feminization" of the clients of the special courts and, in particular, the high proportion of domestic conflict among the cases brought before them. Our research showed that many of these cases had originated in the womenpolice stations.

One of the most severe criticisms of the women's police stations had been the large number of formal complaints that never entered the legal system.

10 For information on these courts see Amorin (2003), Azevedo (2000 e 2001), Beraldo de Oliveira (2006), Burgos (2001), Campos (2002 e 2003) Cardoso, (1996), Cunha, (2001), Debert e Beraldo de Oliveira (2007), Faisting, (1999), Kant de Lima *et al.* (2001 e 2003), Sadek (2001) e Werneck Vianna *et al.* (1999). On similar courts in the US see Cardoso de Oliveira (1989).

With the creation of the special courts, cases of minor wounds and threats, which form the vast majority of cases, were sent quickly to the courts, and the interested parties could be called before the judge in less than a week.

The police working in the women's police stations reacted in different ways. Some felt that not much had changed except for the speeding up of the judicial system. On the other hand, a few heads of police stations lamented the fact that the law restricted the coercive power of the police, thus changing the character of the women's police stations. One of the law's innovations was to authorize alternative penalties such as community service. An effect of this was that in cases of domestic violence and aggression on the part of neighbors and parents, the most common penalty became the payment of e "*cesta básica*", (basket of basic foods). Beraldo de Olveira (2006) shows quite clearly that the process of "informalization" of judicial procedure that had the aim of increasing efficiency and access to justice, ended up making these crimes invisible. On the basis of ethnographic observation and interviews with people involved, the author claims that a new institutional arrangement was created so that certain forms of violence against women ceased even to be defined as crimes.

An analysis of interviews prior to preliminary hearings shows that pressure was brought to bear to persuade women to delay so much that the cases would automatically lapse.[11] In addition, as Debert and Beraldo de Oliveira have shown, the passage from the police stations to the courts involved a greater change of emphasis that was originally imagined:

> The victim is defined as a wife or partner while the aggressor is seen as husband or partner. The crime is transformed into a social problem or a moral failing on the part of the couple, which, in the eyes of the justice system, may be easily corrected through enlightening the parties. In the more difficult cases it may be compensated for with a small penalty. The logic behind the judges' attempts at reconciliation is to find a simple, informal and rapid solution for cases that should not be taking up the time of the judiciary and its agents. (2007: 330-331)

A consideration of the changes that have taken place during the 20 years of the special police stations reveals two concurrent processes. On the one

11 The 2002 study of the special courts of Itaquera shows that 36.4% of cases of domestic strife where women were the victims lapsed while 40% were almost lapsed.

side, we can see how violence between couples, previously seen as a domestic problem, has been transformed into a public question since the police stations for the protection of women played an important role in making explicit the fact that such aggression was criminal. On the other hand, the creation of the special courts has led to an inversion of this process, since these crimes have once again been "privatized". The tendency is for these courts to see this type of criminality as a minor issue to be dealt with through the good offices of psychologists or social workers instead of upsetting the smooth workings of the courts. Furthermore, the victims themselves are now supposed to decide whether the aggression and threats they have suffered from should, or should not be treated as crimes.

The Maria da Penha law was created to revert this situation, which, according to its first Article, "creates Courts of Domestic and Family Violence against women and establishes forms of assistance and protection for the women who are victims of domestic and family violence."

It is still too early to evaluate its impact and it is difficult to generalize given the differences from one court to the other. Even so, the accent on a new juridical entity—"domestic and family violence against women"—suggests that the law will be applied exclusively to the cases that entered the women's police stations: women who suffer abuse within conjugal relations or from their stable partners. Sexual violence within marital relations or sexual harassment have no place in this law since gender violence is assumed to be contained within the domestic and family arena.

The emphasis on abuses that occur within the domestic context and in stable heterosexual relationships limits the scope of the law and can lead to distortions such as the decision by the judge of one of the special courts for domestic violence in Rio de Janeiro who denied protection for a woman called Eliza Samudio a few months before she disappeared, probably kidnapped in Rio de Janeiro and taken to the state of Minas Gerais, where she was supposedly tortured and kept locked up before being killed and dismembered. One of the people accused of the brutal murder is Bruno Fernandes, the former Atlético Mineiro and Flamengo football team goalkeeper, who had family and friends in Minas Gerais, where he was born. He had been pressured by Samudio to recognize the paternity of her 4-year-old child, after a short relationship. The judge denied protection alleging that Eliza could not benefit from the Maria da Penha law (which is designed to

protect the Brazilian family), because she was not in a stable relationship with the goal-keeper.

## The importance of a relational perspective on the treatment of violence

It is now necessary to stress that the legal definition of certain abuses as "domestic violence" contains a paradox: although the law claims to address the issues of gender inequality and violence, in fact and in practice it can only be applied within the domestic sphere, which in itself is not always clearly defined. All forms of gender violence that take place outside the home, such as sexual harassment, are not covered by the law, nor are those cases between couples, which the law does not recognize as families, as we saw above in the case of the Flamengo goalkeeper. Besides this, the most serious problem of this law seems to be that it confuses violence and crime or that it allows the former to be subsumed by the latter.

However laudable the intentions of those who formulated the Jecrins, and however politically important the attempt to counter the invisibilization and banality with which these courts treat crimes of this nature, it is nevertheless necessary to perceive the limits of the judicial sphere so as to bring about the day when those who suffer abuse in the name of the preservation of normative patterns related to gender inequalities will find justice and due compensation.

Without any pretention of offering concrete alternatives, but in the hope of adding to the debate, I propose a strategic distinction between crime and violence. Crime implies typifying abuses, defining the circumstances in which conflicts occur and resolving them in the judicial arena. Violence, a term very much open to theoretical debate and disputes over its meaning, implies the social—not just legal—recognition that certain acts constitute abuse, which must be understood in terms of the unequal power positions between those involved. Violence evokes a relational dimension, which, according to Foucault, cannot be solved within the judicial sphere, because even if its objective is justice for all, inequalities tend to be produced and reproduced socially. I am not suggesting that the judicial system does not furnish important instruments for organizing and defining patterns of compensation and conflict resolution. On the contrary, it provides a politically relevant arena for dispute.

What I am saying is not just that equality before the law has never been achieved anywhere, but also that the definition of fairness and access to justice is a process which is open to dispute due to the unequal powers of the social actors involved. Foucault also suggests that the apparatus of power regimes in societies like our own are organized in such a way as to hide the way they are embedded in the social body. The notion of an egalitarian justice based on universal principles or values conceals that it produces those whom it excludes or doesn't even recognize. It would be something of a feat of the imagination to posit the existence of a sphere of society where total neutrality existed, given the best of intentions and procedures. What it is important to stress is that the idea of justice should not remain a fantasy; rather it is an idea that should become reality. This may be achieved by deciphering the complexity of relations of violence and then making the necessary alterations to law and legal procedures.

Examining the articulations between violence and gender allows us to extend the analysis of the dynamic which configures positions, negotiations and abuses of power in social relations, in order to confront the difficulties I have mentioned. Writing critically on the specialized literature on this theme in Brazil in the 1980s, I observed (Gregori 1993) the clear predominance of the tendency to reinforce or even reproduce the asymmetric plot that constitutes relations of violence. I developed a critique that drew attention to a series of explanatory and descriptive conventions present in the political and academic treatment of the issue of violence against women: the emphasis fell on situations where women were the direct victims, while other manifestations of violence (against children, between women, or against partners) were seen as acts of resistance, reaction or reproduction of patterns of behavior to be internalized by women on the basis of rules that were repeatedly applied by custom and tradition. In fact the woman appeared as passive agents, victimized by a situation already determined by the structure of domination.

Violent relationships were described as typical on the basis of the majority of profiles of actors and their relations—no analysis was made of variables such as socioeconomic status ethnicity, age or variations in the developmental cycle of the family, such as the number of children etc. Also, the narrative construction of this typical relation was made up of the following steps: all kinds of abuse that were described started with disrespect and humiliation and were followed by beating or even murder. The men act; the women feel.

And so we affirm a kind of emotional passivity and fear for shame and for feelings of guilt.[12]

Another feature of these analyses was that violence was seen as what men do against women instead of understanding that the social hierarchies brought into play in these relations are related to attributes of masculinity and femininity and the various characteristics associated with each of these terms. In fact sex is related to gender so as to create rigid pairs in opposition, the one to the other. Contrast and conflict characterize the relationship between the two poles (men and women). Sharing and cohabitation were conceived and explained starting from the idea of an ideological system denominated machismo where ideology is understood as falsification.

In my book *Cenas e queixas*, I discussed the problems and limitations of a point of view that emphasizes and reaffirms the duality between victim and aggressor rather than questioning it. I also questioned another dichotomy, that between traditional and modern women´s representations. These dichotomies are inadequate analytical tools because they presuppose coherence in each term of the opposition, which is not present in actual practice.

This critical perspective is in accord with the debate that has been proposed by some contemporary feminist theoreticians who question a monolithic understanding of violence and its relations to gender. Recent bibliography has attempted to overcome a certain diffuse "neutrality" when it comes to the problem of the difference between the sexes. [13] These authors position themselves against any argument that doesn't understand violence as engendered (that is, shot through by gender and sexual asymmetry).[14] The concept

12 For a related comment see Zaluar (2009)

13 Henrietta Moore (1994) builds her approach on violence upon a psychological notion, according to which an individual assumes an identity position in accordance with the degree of investment required. The degree of investment is understood as a process through which an individual confronts his /her emotional needs and interests. Violence occurs as a result of the inability to sustain a position of gender identity, which results in crisis, real or imaginary, of the self-image and the public image the individual desires. It can also result from contradictions born in the individual's exposure to a multiplicity of identity positions. Many cases of violence are, according to the author, the result of the inability to control the sexual behavior of another person-behavior which threatens self-image. The problem with this kind of argument is the difficulty of perceiving the moment when frustrations in relation to self-image-surely very frequent in the biography of each individual-come about, leading to acts of violence. Another weakness is the fact that the analysis is far too much focused on individual dynamics and not-as we believe it should be-in relations established by individuals. And these relations are in the majority of cases ones of power asymmetry.

14 The polemic over the complex relations between sex and gender and related conceptual

of gender, which I use in this article is the one proposed by Judith Butler (2004), because I find it the most vigorous in relation to violence. Butler takes a foucauldian position: gender rules are organized in a power apparatus in such a way that the production and normalization of masculine and feminine arise from various sources, such as hormones or chromosomes.[15] Such an apparatus institutes constraints but it does not lead to a definitive stability. It should be seen then as a set of apparatus, which create inequalities of power and yet are simultaneously open to transformation. As Butler rightly points out, gender is the practice of improvisation in a scenario of constraints. Furthermore there is no risk of succumbing to modern temptations, which lead to substantialization and to essencializations: nobody makes gender on their own, it is made within relationships; sociality.[16]

This way of studying violence does not focus only on the pre-figuration of individual behaviors but discusses critically the expansion of the concept of violence in the direction of those aspects which constitute social practices, following the tendency of post-structural studies influenced by Foucault. However, these new theories criticize the general way in which this philosopher deals with the symmetries and inequalities of power in the context of sexual differences. According to Butler (2004), Foucault sees gender as one among many dimensions of the regulation of power. For Butler, the regulating apparatus governing gender creates its own "disciplinary" regime. Such a position, however, should not lead us into the trap of constructing a frontier isolating gender from other markers of difference (such as class, race, ethnicity, age, etc.), which are also axes of inequality. What is important is to understand the delicate regulatory operations through a methodological procedure that establishes an intersection between the different axes and markers.

Another author who is critical of Foucault is Teresa de Lauretis (1997). She

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implications is extensive. The concept of gender as formulated by Robert Stoler back in the 1970s was seen as a cultural process (variable and not essentialized) which operates upon sex differences. In the 1980s, the polarity between sex--as something relating to the body in its biological sense--and gender--as an active and creative force of culture--was questioned. Both Lauretis and Moore make the same criticisms from the 1980s onwards. When they referr to the concept of gender they presuppose a non-polarized relation with the concept of sex. For more on this discussion, see Scott (1988), Butler (1990), Heilborn and Sorj (1999), Gregori (1999) and Piscitelli (1997).

15 It is important to note that such normatizations correspond to a set of arrangements through which the basic biological matter of sex and procreation is modeled through human intervention.

16 The apparatus of gender does not act upon an individual understood as a pré-existing subjct, but acts and produces this subject (Butler 2004: 42)

specifically discusses his concept of violence (and in particular its relation to disciplinary power and sexual technologies), which doesn't take into account the asymmetrical patterns configured in a relation of force in which one of the poles is unequal to the other. What really matters in this case is the inequality in the relationship between femininity and masculinity. This means that, in the limit, men may also be violated, their bodies being treated as if they were feminine. In this sense it is not sufficient to treat the problem of violence as if it were something relative only to the couple, taking our gaze away from the power relations within and among those involved. Lauretis is right to affirm that Foucault is wrong because his circular analysis results in a neutralizing political position. The author starts from the ideas that appear in *History of Sexuality I* (Foucault, 1976) and in particular his argument on the power of the state to normalize our love life. By starting from the notion that sexuality is produced through discourse (institutionally) by power and that power is produced institutionally (discursively) by sexual technologies, Foucault leaves no room for the concrete formulation of a counter discourse or a contrary position. To illustrate the paradoxical effect of this general idea, Lauretis remembers Foucault's position with regard to rape: to neutralize the power of the state over sexuality Foucault argues that it would be better to treat rape as aggression and not as an act of sexual violence. Lauretis takes the opposite position, suggesting that rape cannot be understood apart from notion of the technology of gender, or, more precisely from understanding the techniques and strategies through which gender is constructed and violence engendered.

Some of these propositions make the links between the concept of violence and the concept of gender more complex for they suggest that the identities of those involved in a relationship of violence are created within a movement of mirroring and contrasts and which has no end. There is no generic or essential category that can define *a priori* the profile of such identities (Gregori, 1993). And as Lauretis so well puts it, it is important to stress that the dynamics of these relations are constituted by inequality, by an asymmetry which leads to violence.

To think about the paradoxes of all violent relations through an approach that does not abandon the concrete experience, I adopt a point of view which posits the coexistence of various nuclei of meaning which become mixed up and are permanently in conflict. In the situation of family relations for example conceptions of sexuality, education, living together and the dignity of

each one are all involved. Also present are other markers that imply distinct positions of power: generation, age, and race as well as class and social mobility. To hold a position is to act in function of a number of these conceptions, positions and markers brought together even when they are in conflict. So then it is important to stress that when we talk about gender positions we should remember that there are socially legitimate patterns, which are important to the definition of identities and conduct. Because of all this i such positions should be seen as constructs, images, references that are brought into action in a complex way that is neither fixed nor linear.

Thinking in relational terms also implies not reifying asymmetries based on markers of gender or defining them as determinant. That doesn't mean to say that gender markers, as categories of differentiation which make up hierarchical maps are not fundamental. But it is worthwhile asking whether these markers should not be articulated with others which are also fundamental, such as class, race or sexual choice and orientation, even if they don't seem to be all that evident when you look closer at the scripts which describe violent relationships. In the light of such complexity we see the problems raised for political action, specifically that kind of political action that demands easy explanation and the construction of essential and permanent enemies. From our point of view, women, blacks, Indians, homosexuals, transgendered people (as well as those people who practice the transgression of sexual norms without desiring a new identity) live in the midst of relationships in which identities are being created in a permanent process of mirroring and contrast. We must ask ourselves whether from the political point of view it would be relevant to be suspicious of previously given categories, looking first for an alliance between movements that aim to destroy the bases of intolerance and prejudice in concrete daily relationships, where inequalities and political asymmetries are negotiated, maintained or, maybe, transformed. This means guaranteeing public (and private) recognition that we live in a disputed arena, made up of various objects and power positions. While the relationship itself and the contrast and polar "naming" of subject and object should be questioned-the object of discussion in future articles-, my aim in this text was to lend support to those theoretical and political positions in the contemporary debate which point in the direction of consolidating the social and political recognition of subjects who fight to constitute new scenarios and innovative instruments of power.

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